

AMENDED IN SENATE MAY 23, 2005
AMENDED IN SENATE APRIL 28, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 245

Introduced by Senator Battin

February 15, 2005

An act to add Section 14682 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Battin. Department of General Services: use of state property.

Existing law generally sets forth the duties and authority of the Department of General Services in acquiring, assigning, and maintaining state property on behalf of state agencies.

This bill would provide that final determination of the use of existing state-owned or state-leased facilities that ~~is~~ *are* currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services. It would provide that the request of an agency that is required to be made to and approved by the department to acquire new facilities through lease, purchase, or construction shall first consider the utilization of existing state-owned, state-leased, or state-controlled facilities before considering the leasing of additional facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned facilities vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the

department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is not the intent of the Legislature in enacting Section 2
4 of this act to increase the jurisdiction of the Department of
5 General Services over construction, facilities, or real property
6 that is not now under the jurisdiction of the department on the
7 date that Section 14682 of the Government Code takes effect.

8 (b) It is the intent of the Legislature in enacting Section 2 of
9 this act that existing state-owned or state-leased facilities are
10 fully utilized by state agencies before entering into new leases by
11 the Department of General Services in order to better control
12 office facility use by state agencies.

13 SEC. 2. Section 14682 is added to the Government Code, to
14 read:

15 14682. (a) Final determination of the use of existing
16 state-owned and state-leased facilities that ~~is~~ *are* currently under
17 the jurisdiction of the Department of General Services by state
18 agencies shall be made by the Department of General Services.

19 (b) A request of an agency that is required to be made to and
20 approved by the Department of General Services to acquire new
21 facilities through lease, purchase, or construction shall first
22 consider the utilization of existing state-owned, state-leased, or
23 state-controlled facilities before considering the leasing of
24 additional facilities on behalf of a state agency. If no available
25 appropriate state facilities exist, the Department of General
26 Services shall procure approved new facilities for the agency that
27 meets the agency's needs using cost efficiency as a primary
28 criterion, among other agency-specific criteria, as applicable.

29 (c) When tenant state agencies located in existing state-owned
30 or state-leased facilities vacate their premises, they shall continue
31 paying rent for the facilities unless and until a new tenant can be
32 assigned or until the Department of General Services can
33 negotiate a mutual termination of the lease. If the department

1 generates the tenant's relinquishment, or if the tenant is vacating
2 in accordance with the provisions of its lease agreement, the
3 tenant shall not be obligated to pay rent after vacating the
4 premises.

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